

UNITED STATES DISTRICT COURT  
Southern District of New York  
Office of the Clerk  
500 Pearl Street  
New York, N.Y. 10007  
(212)805-0136

**FILED**

JUN 28 2005

J. Michael McMahon  
Clerk

USDC ED OF CALIFORNIA

Date: 6/22/05

In Re: REZULIN

MDL 1348

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
NY

Your Docket #

S.D. OF N.Y.

2:05-0206 LKK

05 CV 5767

Dear Sir:

Enclosed is a certified copy of the order of the Judicial Panel on Multidistrict Litigation, transferring the above entitled action presently pending in your court, to the Southern District of New York and assigned to Judge KAPLAN for coordinated or consolidated pretrial processing pursuant to 28 USC 1407.

Please return the copy of this letter when transmitting YOUR FILE and a CERTIFIED COPY OF THE DOCKET SHEET.

Sincerely,  
J. Michael McMahon

By: Dorothy Guranich  
Deputy Clerk

JUN 17 2005

**ATTEST**  
FOR THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION**05 CV 5767****JUDGE KAPLAN****DOCKET NO. 1348**

JUN 17 2005

FLD  
SAY/NY  
6/22/05FILED  
CLERK'S OFFICE**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION****IN RE REZULIN PRODUCTS LIABILITY LITIGATION****BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, D. LOWELL JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR., KATHRYN H. VRATIL\* AND DAVID R. HANSEN, JUDGES OF THE PANEL****TRANSFER ORDER**

Presently before the Panel are motions, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiffs in the ten actions listed on Schedule A to vacate the Panel's orders conditionally transferring the actions to the Southern District of New York for inclusion in the Section 1407 proceedings occurring there in this docket. The manufacturing defendants<sup>1</sup> oppose the motions and favor inclusion of these actions in the centralized pretrial proceedings.

On the basis of the papers filed and hearing session held, the Panel finds that these actions involve common questions of fact with actions in this litigation previously transferred to the Southern District of New York, and that transfer of the actions to that district for inclusion in the coordinated or consolidated pretrial proceedings occurring there will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. Any pending or anticipated motions to remand to state court can be presented to and decided by the transferee judge. *See, e.g., In re Ivy*, 901 F.2d 7 (2d Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001). The Panel further finds that transfer of these actions is appropriate for the reasons expressed in the original order directing centralization in this docket. In that order, the Panel held that the Southern District of New York was a proper Section 1407 forum for actions involving claims of liability for the allegedly adverse effects of Rezulin. *See In re Rezulin Products Liability Litigation*, MDL-1348 (J.P.M.L. June 9, 2000) (unpublished order).

A CERTIFIED COPY

J. MICHAEL McMAHON,

CLERK

BY

DEPUTY CLERK

\* Judge Vratil took no part in the decision of this matter.

<sup>1</sup> Warner-Lambert Company LLC, its unincorporated division, Parke-Davis, and Pfizer Inc.

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IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the Southern District of New York and, with the consent of that court, assigned to the Honorable Lewis A. Kaplan for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:

Wm. Terrell Hodges

Wm. Terrell Hodges  
Chairman

## **SCHEDULE A**

### MDL-1348 -- In re Rezulin Products Liability Litigation

#### Eastern District of California

*Kenny Breedlove, et al. v. Warner-Lambert Co., LLC, et al., C.A. No. 1:05-248*  
*Mary Adair, et al. v. Warner-Lambert Co., LLC, et al., C.A. No. 2:05-201*  
*Venson Adams, et al. v. Warner-Lambert Co., LLC, et al., C.A. No. 2:05-202*  
*Salvatore Acquaviva, et al. v. Warner-Lambert Co., LLC, et al., C.A. No. 2:05-203*  
*Lisa Alloway, et al. v. Warner-Lambert Co., LLC, et al., C.A. No. 2:05-204*  
*Gary Allison, et al. v. Warner-Lambert Co., LLC, et al., C.A. No. 2:05-206*  
*Earnest Adams, et al. v. Warner-Lambert Co., LLC, et al., C.A. No. 2:05-213*  
*Judith Aiello, et al. v. Warner-Lambert Co., LLC, et al., C.A. No. 2:05-214*  
*Richard Agman, et al. v. Warner-Lambert Co., LLC, et al., C.A. No. 2:05-216*

#### Western District of Texas

*Daniel Alarcon v. Warner-Lambert Co., LLC, et al., C.A. No. 3:05-4*